

judicial district of the State of Texas, to repeal all laws and parts of laws in conflict with this act, and to provide for the return of all writs and process returnable to the district courts of said counties affected by this act that have been heretofore issued by said courts, and that hereafter be issued before this act shall take effect and made returnable to the terms of said courts as now fixed by law, and make the same valid and binding as if no change had been made.

Read first time and referred to committee on Judicial Districts.

Substitute House bill No. 467, entitled "An act to amend article 430a, of the revised penal code of the State of Texas, as amended by an act approved April 4, 1889."

Read first time and referred to Judiciary committee No. 2.

House bill No. 522, entitled "An act to place certain counties now under the community school system under the district system, and to repeal all laws in conflict herewith."

Read first time and referred to Judiciary committee No. 2.

The following message was received from his excellency, the Governor:

EXECUTIVE OFFICE,

Austin, Texas, March 21, 1891.

To the Senate of the State of Texas:

I ask your advice and consent to the appointment of W. J. Wingate of Runnels county, Texas, to the office of judge of the Thirty fifth judicial district of Texas.

Respectfully,

J. S. HOGG,

Governor of Texas.

Senator Page moved to adjourn to 10 a. m. tomorrow.

Senator Stephens moved to adjourn to 3 p. m. this day.

The motion of Senator Page prevailed, and the Senate adjourned to tomorrow at 10 a. m.

SIXTIETH DAY.

SENATE CHAMBER,

Austin, March 24, 1891.

The Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answering to their names:

PRESENT—26.

Bursey,	Glasscock,	Seale,
Carter,	Harrison,	Simkins,
Clark,	Johnson,	Sims,
Clemens,	Kimbrough,	Stephens,
Crane,	Lubbock,	Townsend,
Cranford,	Mae'ze,	Tyler,
Finch,	McKinney,	Weistger,
Frank,	Page,	Whatley,
Garwood,	Potter,	

ABSENT—3.

Kearby,	Mott,	Pope,
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Prayer by the chaplain, Dr. Smoot.

Pending the reading of the Journal, on motion of Senator Kimbrough the further reading of the same was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Stephens:

Memorial from citizens of Young county, praying the Legislature to permit towns of less than 1,000 inhabitants to incorporate for school purposes only, and to issue bonds to build school houses, and to levy taxes to pay for the same.

Read first time and referred to committee on Incorporated Cities and Towns.

The following reports were handed in from their respective committees:

COMMITTEE ROOM,

Austin, March 24, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Internal Improvements to whom was referred Senate bill No. 346, being "An act to encourage the construction and maintenance of deep water harbors, navigable channels, docks and wharves on the Gulf coast within the State of Texas."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass with the following amendments:

Strike out "two" in line 9, page 1 and insert the word "one." Strike out the word "one-half" in line 14, page and insert "one-fourth." Amend section 5 by adding after the word "State" in line 1, page 3 the following: "and such tolls and charges shall be subject to the regulation and control of the railroad commission." Amend section 4 by adding the following: "if any individual, association of individuals, company or corporation purchasing any land, island or shallow water bays, under this act shall fail to secure twenty feet of water within

ten years, then all such rights shall revert to the State."

JOHNSON, Chairman.

COMMITTEE ROOM,

AUSTIN, March 24, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Education, to whom was referred

House bill No 522, being "An act to place certain counties now under the community school system under the district system and to repeal all laws in conflict herewith,"

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do pass, with the following amendment:

Strike out Bastrop wherever it occurs in the bill.

GLASSCOCK, Chairman.

Senator Stephens moved to postpone pending business and take up out of its regular order Senate bill No. 255, entitled "An act for the protection of discharged employes, and to prevent blacklisting."

Adopted.

And bill read second time with the following committee amendments:

1. Insert after the word "discharge," in section 1, line 7, the following: "To such discharged employe as well as to the company or corporation with which he is seeking employment."

2. Insert after the word "employment," in section 2, page 2, the words: "His actual damages, and in addition thereto not less than \$100 nor more than \$500."

3. Amend bill by adding thereto sections 3 and 4 to read as follows:

"Section 3. Any person, association or corporation in this state requiring of an employe as a prerequisite to the employment of any person a bond for the faithful performance of duty shall accept a bond with resident sureties of this state, and in case of a failure or refusal to do so shall forfeit and pay to the party, employe or applicant, the sum of \$500, to be recovered in any court in this state having jurisdiction of the amount. No such bond shall ever hereafter be valid and binding the sureties on which are non-residents of this State. It shall be unlawful for any such person, association or corporation to be or become in any way interested in premiums required to be paid for such suretyship or receive any part thereof, and in case of a violation hereof shall forfeit and pay to

the party paying the premium as in this section hereinbefore provided."

Section 4. That all laws and parts of laws in conflict herewith are hereby repealed.

A division being called for the first committee amendment was adopted.

The second committee amendment was adopted.

The following messages were received from the House:

HALL HOUSE OF REPRESENTATIVES, }
TWENTY SECOND LEGISLATURE. }
Austin, Tex., March 24, 1891. }

Hon. Geo. C. Pendleton, President of the Senate:

Sir—I am instructed to inform the Senate that the House has passed

House bill No. 582. "An act to amend chapter 75 of the acts of the regular session of the 21st legislature of the state of Texas, approved April 6, 1889, relating to butchers and the slaughtering of cattle."

I also return to the Senate House bills Nos. 39 and 598 as requested by your honorable body.

Also that the House has concurred in Senate amendments to House bills Nos. 526, 561 and 569.

Respectfully,

SAM H. DIXON Chief Clerk,

House of Representatives.

HOUSE OF REPRESENTATIVES, }
TWENTY SECOND LEGISLATURE. }
Austin, Tex., March 23, 1891. }

Hon. George C. Pendleton, President of the Senate:

Sir—I am instructed to inform the Senate that the House has concurred in 3d, 5th, 8th, 12th, 14th, 15th, 16th, 19th, 20th, 21st, 22d, 24th, 27th, 32d, 33d, 34th, 35th, 36th, 38th, 39th, 40th, 41st, 42d, 43d, 44th and 49th, and has refused to concur in the 1st, 2d, 4th, 6th, 7th, 9th, 10th, 11th, 13th, 17th, 18th, 23d, 25th, 26th, 28th, 29th, 30th, 31st, 37th, 45th, 46th, 47th, 48th, 50th and 51st, Senate amendments to House Substitute for Substitute House bills 1, 3 and 58, known as the railroad commission bill, and asks for a free conference committee on the difference between the two houses, and appointed Messrs. Terrell, Brown, Rogan of Caldwell, Cochran, and King of Bell, as such free conference committee on the part of the House.

SAM H. DIXON,

Chief Clerk House of Representatives.

Senator Crane moved to grant the request of the House for a free conference committee on House Substitute for Substitute House bills Nos. 1, 3 and 58, known as the commission bill.

Senator Harrison moved as a substitute that the Senate do not grant the request of the House for a free conference and appoint a conference committee.

The motion of Senator Harrison was lost by the following vote:

YEAS—2.		
Harrison,	Lubbock.	
NAYS—22.		
Burney.	Johnson,	Simkins,
Carter,	Kimbrough,	Sims.
Clemens,	Maetze,	Stephens.
Crane,	McKinney,	Townsend.
Cranford,	Page,	Tyler.
Finch,	Potter,	Weisiger,
Frank,	Seale,	Whatley.
Garwood,		

The motion of Senator Crane was adopted.

The third and fourth committee amendments to the pending bill were adopted.

Senator Glasscock offered the following amendment:

Amend section 1 by striking out the words "furnishing in writing" in line 6 and insert in lieu thereof the word "giving."

Lost.

The bill was refused engrossment by the following vote:

YEAS—6.		
Burney,	Garwood,	Maetze,
Cranford,	Lubbock.	Townsend,
NAYS—19.		
Carter,	Harrison,	Simkins,
Clark,	Johnson,	Sims.
Clemens,	Kimbrough,	Stephens,
Crane,	McKinney,	Tyler.
Finch,	Page,	Weisiger,
Frank,	Seale,	Whatley.
Glasscock,		

Senator Stephens moved to reconsider the vote refusing engrossment to Senate bill No. 255 and asked to have that motion spread upon the journal.

A message was received from his excellency, the Governor, containing appointments for notaries public in sundry counties.

REGULAR ORDER.

Senate bill No. 4, entitled "An act to amend article 320, chapter 4, title 9. of the penal code of the State of Texas, relating to the carrying of arms in church or other assembly, and to increase the punishment for this offense."

Taken up, read third time and passed.

Senator Burney moved to postpone pending business and take up out its regular order

Senate bill No. 297, entitled "An act to provide for independent school districts and for the organization, maintenance and control of public free schools in the same and repeal-

ing all laws and parts of laws in conflict herewith."

Adopted.

And bill read second time with a favorable committee report.

Senator Burney offered the following amendment:

The near approach of the close of the present session of this Legislature and the uncertain condition of the laws controlling the management of the public free schools in towns and cities creates an imperative public necessity demanding the suspension of the constitutional rule requiring bills to be read on three several days and the same is hereby suspended.

Adopted.

The bill was ordered engrossed.

Senator Glasscock moved to reconsider the vote by which the bill was ordered engrossed.

Adopted.

Senator Garwood moved to reconsider the vote adopting the amendment of Senator Burney.

Adopted.

Senator Garwood offered the following substitute for the amendment of Senator Burney:

The near approach of the end of the present session of the Legislature and the fact that the present law upon the subject of cities and towns, which have assumed control of their public schools are vague and uncertain, creates an imperative public necessity, an emergency, requiring the suspension of the constitutional rule requiring bills to be read on three several days, and that the bill be in force from and after its passage, and it is so enacted.

The substitute was adopted.

Senator Tyler offered the following amendment:

Amend section by adding therein the following:

Provided that the provisions of this bill shall not interfere with the terms of office of trustees now in office, and those whose terms would otherwise expire on the first Tuesday in April are hereby extended till the next election under this bill.

Adopted.

(Senator Seale in the chair.)

Senator Carter presented the following privileged report:

COMMITTEE ROOM,
Austin, March 23, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared

Senate bill No. 358, being "An act to validate the corporate existence of certain cities and towns in Texas and to validate certain acts done and performed by such cities and towns."

And find the same correctly engrossed.

CARTER, Chairman.

Senator Carter offered the following amendment to the pending bill:

Provided this act shall not apply to any city now or hereafter operating under or having a special law or charter.

Lost.

Senator Lubbock offered the following amendment:

Amend section 19, in line 28 after the word "shall," insert "not," and in line 29 strike out all after the word "incorporation."

Senator Garwood offered the following substitute:

Strike out and insert section 19.

The provisions of this act shall not apply to cities with special charters giving said cities the power of control of their public schools.

Senator Weisiger offered the following resolution:

Resolved, That as a token of respect to the memory of the illustrious hero, the late general J. E. Johnson, the Senate stand adjourned until tomorrow morning at 10 o'clock.

Adopted.

And the Senate adjourned to 10 o'clock tomorrow morning.

Read and referred to Judiciary committee No. 2.

SIXTY-FIRST DAY.

SENATE CHAMBER,
TWENTY-SECOND LEGISLATURE,
Austin, Texas, March 25, 1891.

The Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answering to their names:

PRESENT—28.

Burney.	Harrison.	Potter,
Clark,	Johnson,	Seale,
Crane,	Kearby,	Sinkins,
Carter,	Kimbrough,	Stephens,
Cranford,	Lubbock,	Sims,
Clemens,	Maetze,	Tow send,
Frank,	McKinn y,	Tyler,
Finch,	Mott,	Whatley,
Garwood,	Page,	Weisiger.
Glasscock,		

ABSENT—1.

Atlee,

Prayer by the chaplain, Dr. Smoot.
Pending the reading of the journal of yesterday, on motion of Senator Townsend the further reading of the same was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Maetze:

Petition of citizens of Fort Bend county, praying that their county be left as it is now and as it has been since the early days of the republic.

Read first time and referred to committee on Counties and County Boundaries.

The president gave notice of signing and signed in the presence of the Senate, Senate bill No. 359 entitled an act to incorporate the city of Denison, in Grayson county, Texas, and to fix the boundaries thereof and to provide for the government and the management of its affairs.

Also Substitute Senate bill No. 288, entitled an act to amend an act to incorporate the city of Waco, and to define its boundaries and powers, approved February 19, 1889.

Also Senate joint resolution No. 12, confirming the location of the boundary line established by United States commissioners between No Man's Land and Texas and Texas and New Mexico, under an act of Congress approved June 5, 1885.

The chair announced, as the committee of free conference as asked for by the House, on the differences between the two Houses on Substitute House bills Nos. 1, 3 and 58, Senators Clark, Cranford, Tyler, Simkins and Crane.

The following reports were handed in from their respective committees:

COMMITTEE ROOM.

Austin, March 25, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—We, your committee on Private Land Claims, to whom was referred

House bill No. 584 being an act for the relief of J. A. Belvin

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do pass.

KEARBY, Chairman.

COMMITTEE ROOM.

Austin, March 25, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on State Affairs, to whom was referred